IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

ARTHUR BOSTICK, SR., LILLIE BOSTICK,
AND SHELLY DOWNING,   PLAINTIFFS,

VS.   CIVIL ACTION NO. 2:06CV168-P-A

CITY OF HORN LAKE, ET AL.,   DEFENDANTS.

ORDER

In accordance with a Memorandum Opinion issued this day, **IT IS ORDERED AND ADJUDGED** that:

(1) Defendants William Vrooman, Scott Worsham, Shawn May, Shannon Beshears, Darryl Whaley, Jason Mitchell, Kenny Free, Robert Riggs, Troy Rowell, Brad Scott's joint motion for summary judgment based on qualified immunity [61] is **GRANTED IN PART AND DENIED IN PART**; specifically,

(2) The motion is granted insofar as the plaintiffs' § 1983 claim for an unreasonable search is **DISMISSED WITH PREJUDICE**;

(3) All of the plaintiffs' claims against Alex Coker are **DISMISSED WITHOUT PREJUDICE** for failure to serve process;

(4) All of Plaintiff Shely Downing's remaining claims against the moving defendants are **DISMISSED WITH PREJUDICE** for failure to demonstrate a genuine issue of material fact;

(5) The motion for summary judgment is denied as premature regarding Arthur Bostick and Lillie Bostick's § 1983 claims for excessive force;

(6) The plaintiffs' Rule 56(f) motion seeking to delay consideration of the defendants' joint motion for summary judgment to allow for additional discovery [69] should be granted insofar as

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the plaintiffs may depose the remaining officer defendants who they believe, in good faith, were actually present inside the search in their home that would have information regarding the injuries sustained by the Bosticks; furthermore, the defendants may also depose Arthur Bostick, Lillie Bostick, and Shely Downing; and

(7) The parties are to contact the U.S. Magistrate Judge within ten days of this order to obtain a modified scheduling order to accommodate the depositions.

SO ORDERED this the 3rd day of April, A.D., 2008.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE